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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,505	04/02/2001	Makoto Horiuchi	5077-000027	3633

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EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,505

Applicant(s)

HORIUCHI ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed May 12, 2003 in which the Drawings, and Claims 3 and 19 have been amended and Claims 1-2 have been cancelled, has been place of record in the file as Paper No. 14.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-5, 12, 16, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameya et al. (U.S. Patent No. 5,128,588). With regard to Claims 3 and 19-21, Kameya et al. discloses a discharge lamp comprising: a luminous bulb (1) in which a luminous material (Column 3, Lines 37-45) is enclosed and a pair of electrodes (3) are opposed in the luminous bulb (1); and a pair of sealing portions (2) for sealing a pair of metal foils (5) electrically connected to the pair of electrodes (3), respectively; wherein each of the pair of metal foils (5) has an external lead (4) on a side opposite to a side electrically connected to a corresponding electrode (3) of the pair of electrodes

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(3), at least one of the pair of metal foils (5) has a corrugated structure (Fig. 1) in which the metal foils (5) are corrugated along a longitudinal direction of the metal foils (5), wherein the corrugated structure (Fig. 1) has a wave crest extending in a direction of a relative shorter side of the metal foil (5), and the metal foil (5) having the corrugated structure (Fig. 1) has at least one wave portion (Fig. 1) in an area between an end of the electrode (3) and an end of the external lead (4) of the metal foil (5). The method limitations are deemed inherent. See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claim 4, Kameya et al. discloses at least one wave crest (Fig. 1) of the wave portion (Fig. 1) being provided in an area on the luminous bulb (1) side from a midpoint of the metal foil (5) in the longitudinal direction of the metal foil (5) (including the midpoint). See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claim 5, Kameya et al. discloses a plurality of wave crests (Fig. 1) of the wave portion (Fig. 1) being provided in an area between the end of the electrode (3) and the end of the external lead (4) of the metal foil (5). See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claims 12 and 22, Kameya et al. discloses each of the pair of metal foils (5) being tightly attached to a glass portion (12) extending from the luminous bulb (1), and each of the pair of metal foils (5) is a molybdenum foil. The method limitations are deemed inherent. See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claim 16, Kameya et al. discloses each of the pair of sealing portions (2) having a shrink seal structure. See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claim 17, Kameya et al. discloses the luminous material (Column 3, Lines 37-45) comprising at least mercury. See Figs. 1-2, Column 3, Lines 1-55.

With regard to Claim 18, Kameya et al. discloses a reflecting mirror (Column 3, Lines 37-45). See Figs. 1-2, Column 3, Lines 1-55.

Response to Arguments

4. Applicant's arguments with respect to claims 3-5, 12 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Edwin A. Leon
AU 2833

EAL
July 9, 2003

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
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